

House Bill 858 (AS PASSED HOUSE AND SENATE)

By: Representative Golick of the 34th

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 15 of Title 36 of the Official Code of Georgia Annotated, relating to county law libraries, so as to revise and amend provisions relating to county law libraries and their operation; to authorize the use of law library funds to provide libraries and purchases for certain judges and courts; to revise the applicability of a provision relating to payment of certain funds into the county general fund rather than the county law library fund in certain counties; to revise the population classification of such provision so as to permit that provision to hereafter remain applicable to those political subdivisions to which that law was applicable immediately prior to the time the most recent census figures became applicable; to provide for related matters; to provide effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 15 of Title 36 of the Official Code of Georgia Annotated, relating to county law libraries, is amended in Code Section 36-15-7, relating to use of county law library funds, by revising subsections (a) and (b) as follows:

"(a) The money paid into the hands of the treasurer of the board of trustees of the county law library shall be used for the purchase of law books, reports, texts, periodicals, supplies, desks, and equipment and for the maintenance, upkeep, and operation of the law library, including the services of a librarian and, within the discretion of the board of trustees, payment for purchases made by a county's superior court, state court, probate court, magistrate court, or juvenile court, and for the purchase or leasing of computer related legal research equipment and programs, and, at the discretion of the county governing authority, for the establishment and maintenance of the codification of county ordinances. However, the amount transferred to the county governing authority for codification pursuant to this subsection shall not exceed the cost of establishing or maintaining the codification.(b) In addition to the uses specified in subsection (a) of this Code section, the board of trustees

of a county law library shall be authorized to use funds to establish a law library or libraries for the judges of the superior courts of the judicial circuit and for the judges of the state court in which the county lies. A request for the establishment of one or more such libraries shall be made to the board of trustees by the chief judge of the judicial circuit with the assent of a majority of the superior court judges of the circuit or by the chief judge of the state court of the county with the assent of a majority of the state court judges of the county. Additionally, the probate judge, chief magistrate, presiding juvenile court judge, or any chief judge of any county court may make a similar request. It shall be in the discretion of the board of trustees of each county whether to grant ~~the~~ such a request. Any one or more county boards of trustees in the judicial circuit may participate in the establishment of the law library or libraries and, for the purpose of such participation, may enter into agreements regarding the proportional share of expenditures to be borne by each county board of trustees. Purchases made from county law library funds under this subsection shall not duplicate the law books and materials supplied to each judge ~~of superior court or state court~~ by the state or by other sources. Such purchases shall become the property of the judge who requested the purchase and shall be passed on to his or her successor in office."

SECTION 2.

Said chapter is further amended by revising Code Section 36-15-11, relating to payment of certain funds into the county general fund rather than the county law library fund in certain counties, as follows:

"36-15-11.

Notwithstanding any other provision of this chapter, in all counties of this state having a population of ~~700,000~~ 950,000 or more according to the United States decennial census of 1980 or any future such census, all funds collected by reason of this chapter shall be paid into the general treasury of such county, to be used for lawful purposes of the courts of the county, including the maintenance of a county law library; and there shall be no county law library fund. All disbursements for the purposes of this chapter shall be in accordance with the budget procedures which may be established in such counties. In such counties there shall be no treasurer of the board of trustees. The county governing authorities of such counties shall report to the board of trustees, not later than January 15 of each year, the amount of money collected in the preceding calendar year by the assessment of such fees as are provided in this chapter."

60 **SECTION 3.**

61 (a) Section 2 of this Act shall become effective on July 1, 2012, the same date on which the
62 United States decennial census of 2010 shall become effective for purposes of Code Section
63 36-15-11.

64 (b) The remaining sections of this Act shall become effective upon its approval by the
65 Governor or upon its becoming law without such approval.

66 **SECTION 4.**

67 All laws and parts of laws in conflict with this Act are repealed.